

## OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU  
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HONOLULU, HAWAII 96813-3099  
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BERNICE K.N. MAU  
CITY CLERK

July 31, 2013

VIA E-MAIL AND CITY MESSENGER

TO: GEORGE ATTA, DIRECTOR  
DEPARTMENT OF PLANNING AND PERMITTING

FROM: BERNICE K.N. MAU, CITY CLERK *Bernice K.N. Mau*

SUBJECT: NOTICE OF INTRODUCTION OF A RESOLUTION FOR A COUNCIL  
PROPOSAL TO AMEND THE GENERAL PLAN, THE DEVELOPMENT  
PLANS, THE ZONING ORDINANCES, OR THE SUBDIVISION  
ORDINANCE.

RESOLUTION 13-166, entitled:

"RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 22,  
REVISED ORDINANCES OF HONOLULU 1990 (THE SUBDIVISION  
ORDINANCE), AS AMENDED, RELATING TO THE ACCEPTANCE OF  
EASEMENTS BY THE CITY,"

was introduced on July 16, 2013 and was referred to the Committee on Zoning and  
Planning. Pursuant to Ordinance 08-8, a copy of the Resolution is transmitted  
herewith.

Ordinance 08-8 further requires you to promptly stamp the date and time of receipt of  
this document on this transmittal letter and to notify the Council in writing of the date of  
receipt.

dc

Attachment: Resolution 13-166

RECEIVED  
CITY CLERK  
C & C OF HONOLULU  
2013 JUL 31 PM 2:38





## RESOLUTION

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PROPOSING AN AMENDMENT TO CHAPTER 22, REVISED ORDINANCES OF HONOLULU 1990 (THE SUBDIVISION ORDINANCE), AS AMENDED, RELATING TO THE ACCEPTANCE OF EASEMENTS BY THE CITY.

WHEREAS, Section 6-1503(h) of the Revised Charter of the City and County of Honolulu 1973, as amended, provides that the Director of Planning and Permitting shall "[p]repare the land subdivision code and rules and regulations and any amendments thereto"; and

WHEREAS, the Subdivision Ordinance and the City's Subdivision Rules and Regulations provide for the dedication of certain required streets, easements, and improvements to the City; and

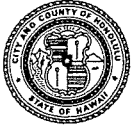
WHEREAS, by Ordinance 10-20, codified as ROH Section 22-3.9(b), the Council provided for automatic acceptance of the dedication of streets and roadways laid out, improved, and approved in conformity with the Subdivision Ordinance and the Subdivision Rules and Regulations; and

WHEREAS, Ordinance 10-20 did not address the dedication of easements; and

WHEREAS, the Council desires to propose an amendment to the Subdivision Ordinance to address the acceptance of the dedication of easements; and

WHEREAS, ROH Chapter 2, Article 24, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting is directed, pursuant to ROH Chapter 2, Article 24, to process the proposed amendment to ROH Chapter 22 (the Subdivision Ordinance), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the director; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 13-166

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## RESOLUTION

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BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, the clerk shall transmit copies of this Resolution and the Exhibit attached hereto to the Director of Planning and Permitting of the City and County of Honolulu, and shall advise the director in writing of the date by which the director's report and accompanying proposed ordinance are required to be submitted to the Council.

INTRODUCED BY:



DATE OF INTRODUCTION:

**JUL 16 2013**

Honolulu, Hawaii

Councilmembers

## **EXHIBIT A**





## A BILL FOR AN ORDINANCE

RELATING TO THE DEDICATION OF EASEMENTS TO THE CITY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to address Council acceptance of easements to be dedicated to the City pursuant to the Subdivision Ordinance and the Subdivision Rules and Regulations.

SECTION 2. Chapter 22, Article 3, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

**"Sec. 22-3. Acceptance of required easements."**

- (a) An easement in any subdivision or consolidation which has been laid out and approved in conformity with this article and the subdivision regulations shall be deemed accepted for dedication by the city council, without further action by the council, 30 days after a letter from the department of design and construction attesting to that fact is filed with the city clerk and distributed to all members of the city council, unless a councilmember files a written objection with the city clerk prior to the 30th day. The letter to the council shall be accompanied by a map showing the easement to be dedicated to the city, and a copy of the grant of easement or other document conveying the easement to the city. Acceptance pursuant to this subsection shall authorize the mayor to execute the grant document on behalf of the city.
- (b) An easement that has been objected to shall require council acceptance by adoption of a committee report or resolution.
- (c) This section shall not apply to easements relating to water systems and necessary appurtenances under the jurisdiction of the board of water supply."

SECTION 3. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

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**A BILL FOR AN ORDINANCE**

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SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

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\_\_\_\_\_

DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu